



SUSANA MARTINEZ
Governor

JOHN SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

P.O. Box 5469

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Phone (505) 827-2918 Fax (505) 827-2965

www.nmenv.state.nm.us



DAVID MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

MEMORANDUM

DATE: January 5, 2012

TO: Holland Shepherd, Manager, Mining Act Reclamation Program

FROM: Kurt Vollbrecht, NMED Mining Act Team Leader

RE: Request for Review and Comment, Closeout Plan Waiver Modification, Tyrone Mine, Revision 10-1, Permit GR010RE

The New Mexico Environment Department (NMED) received the request from the New Mexico Mining and Minerals Division (MMD) for comments on the above referenced document on September 15, 2011. Pursuant to the New Mexico Mining Act, a determination from the Secretary of Environment is required before the MMD can issue approval of the pit waiver modification. Prior to issuance of the determination, NMED required additional information from Tyrone to demonstrate that the Copper Mountain Pit met the criteria necessary for inclusion in an Open Pit Surface Drainage Area (OPSDA). The criteria for inclusion within an OPSDA are set forth in the Tyrone DP-1341 Settlement Agreement and Stipulated Final Order dated December 20, 2010. NMED approved the designation for the Copper Mountain Pit area as an OPSDA in a letter dated January 5, 2012 (attached). In a letter to Tyrone dated January 5, 2012 NMED issued a formal determination that environmental standards would be met for the proposed pit waiver areas (attached).

If you have any questions please contact me at 827-0195.



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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 5, 2012

Timothy E. Eastep, Manager
Environmental, Land and Water
Freeport McMoRan Tyrone Inc.
P. O. Box 571
Tyrone, New Mexico 88065

**RE: Environmental Determination for the Tyrone Mine Pit Waiver Modification
Application, Closure/Closeout Plan Revision 10-1, Permit No. GR010RE**

Dear Mr. Eastep:

The New Mexico Environment Department (NMED) has reviewed the Waiver Modification Application (Waiver) for Tyrone Mine Permit GR010RE, received by NMED on September 15, 2010 from the New Mexico Mining and Minerals Division (MMD) pursuant to the New Mexico Mining Act. The Waiver was submitted to MMD by Freeport McMoRan Tyrone Inc. dated July 2010. The Waiver proposes two areas at the Tyrone Mine that would not be subject to full closure requirements pursuant to the New Mexico Mining Act Permit GR010RE, including the area surrounding the Main, Gettysburg and Savanna Pits and several contiguous stockpiles, and a second area surrounding the Copper Mountain Pit.

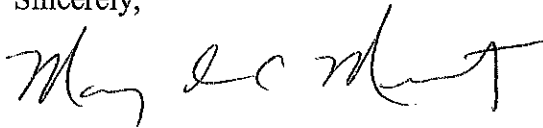
Pursuant to the Tyrone DP-1341 Settlement Agreement and Stipulated Final Order (Order), disturbed areas that fall within an Open Pit Surface Drainage Area (OPSDA) will not be subject to standard reclamation requirements. The area surrounding the Main, Gettysburg and Savanna Pits and contiguous stockpiles has previously been determined to fall within an OPSDA by NMED as stated in the Order. Section III, Paragraph 19 of the Order specifically states that the area surrounding the Copper Mountain Pit required additional hydrogeologic investigation to demonstrate that the criteria for inclusion in the OPSDA have been met. Based on a review of the materials submitted to NMED dated December 22, 2011, Tyrone has demonstrated that the criteria for inclusion of the Copper Mountain Pit in the OPSDA have been met. NMED

Timothy E. Eastep
January 5, 2012
Page 2

approved the inclusion of the Copper Mountain Pit area in the OPSDA in a letter dated January 5, 2012 (attached). NMED believes that the Waiver and subsequent submittals adequately addresses the requirements necessary to provide the written determination that environmental standards will be met. The written determination is therefore attached to this letter pursuant to Subpart 506.J.5 of the NMMA Rules.

If you have any questions or comments regarding the above, please feel free to contact me at (505) 827-2944.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Menetrey". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary Ann Menetrey, Manager
Mining Environmental Compliance Section
Ground Water Quality Bureau

MCM:kv

cc: Holland Shepherd, MARP
David Ohori, MARP
Keith Ehlert, NMED MECS
Jerry Schoepner, Acting Chief, NMED Ground Water Quality Bureau
Sally Smith, GRIP



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Office of the Secretary

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DAVE MARTIN
Secretary
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Deputy Secretary

DETERMINATION PURSUANT TO
THE NEW MEXICO MINING ACT,
NMSA 1978, § 69-36-7 (E)(3), AND
NEW MEXICO MINING ACT RULES 506.J.5
FOR AN EXISTING MINING OPERATION

Determination is hereby provided that Freeport-McMoRan Tyrone Inc., the applicant for the Tyrone Mine Closeout Plan Waiver Modification, Revision 10-1, submitted pursuant to the New Mexico Mining Act NMSA 1978, §§69-36-1 through 20 (Repl. Pamp. 1997) (NMMA), has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality and other environmental standards if carried out as described in the NMMA Closure/Closeout Plan revision application and all applicable state and federal air, water quality, and other environmental permits.

Applicant: Freeport-McMoRan Tyrone Inc.
Operation: Tyrone Mine Closeout Plan Waiver Modification
Permit: GR010RE

Determination by: David Martin

David Martin, Secretary
New Mexico Environment Department

Date: January 5, 2012



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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 5, 2021

Richard N. Mohr, General Manager
Freeport McMoRan Tyrone Operations, Inc.
P. O. Box 571
Tyrone, New Mexico 88065

RE: Tyrone DP-1341 Settlement Agreement and Stipulated Final Order: Inclusion of Copper Mountain Pit in Open Pit Surface Drainage Area

Dear Mr. Eastep:

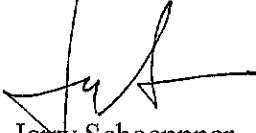
The New Mexico Environment Department (NMED) has reviewed the request referenced above, dated December 22, 2011 from Tyrone Inc, (Tyrone) for inclusion of the Copper Mountain Pit within the Open Pit Surface Drainage Area (OPSDA). The request from Tyrone includes the hydrogeologic information that is required pursuant to Section III, Paragraph 19 of the Tyrone DP-1341 Settlement Agreement and Stipulated Final Order dated December 20, 2010, to demonstrate that the criteria for inclusion in the OPSDA have been met.

NMED has reviewed the materials submitted by Tyrone and determined that the criteria for inclusion in the OPSDA have been met. This includes a demonstration that storm water runoff within the pit cannot feasibly be diverted by gravity outside the pit perimeter, and that underlying ground water is hydrologically contained. NMED approves the inclusion of the Copper Mountain Pit area within the OPSDA as delineated in Figures 1 and 2 of the December 22, 2011 request.

Mr. Timothy Eastep
January 5, 2012
Page 2

If you have any questions or comments regarding the above, please feel free to contact Kurt Vollbrecht at (505) 827-0195.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Schoepner". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

Jerry Schoepner, Acting Chief
Ground Water Quality Bureau

JS:kv

cc: Holland Shepherd, MARP
David Otori, MARP
Keith Ehlert, NMED MECS
Mary Ann Menetrey, Manager, MECS
Sally Smith, GRIP